

REFERENCE TITLE: **defensive driving school; eligibility**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1450**

Introduced by  
Senators Gould, Harper; Representative Groe: Senator Johnson;  
Representative Gorman

### AN ACT

AMENDING SECTION 28-3392, ARIZONA REVISED STATUTES; RELATING TO DEFENSIVE DRIVING SCHOOL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 28-3392, Arizona Revised Statutes, is amended to  
3 read:

4       28-3392. Defensive driving school; eligibility

5       A. A court:

6           1. Shall allow an individual who is issued a citation for a civil  
7 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6  
8 through 15 of this title or a local civil traffic ordinance relating to the  
9 same subject matter to attend a defensive driving school for the purposes  
10 provided in this article.

11           2. Except as prescribed in subsection C of this section, may allow an  
12 individual who is issued a citation for a violation of section 28-701.02 to  
13 attend a defensive driving school.

14       B. A person who attends a defensive driving school pursuant to this  
15 article is not eligible to attend a defensive driving school again within  
16 twenty-four months from the day of the last violation for which the person  
17 was authorized by this article to attend a defensive driving school.

18       C. Notwithstanding subsection A of this section:

19           1. An individual who commits a civil or criminal traffic violation  
20 resulting in death or serious physical injury is not eligible to attend a  
21 defensive driving school, except that the court may order the individual to  
22 attend a defensive driving school in addition to another sentence imposed by  
23 the court on an adjudication or admission of the traffic violation.

24           2. If a commercial driver license holder is found guilty or  
25 responsible for a moving violation **WHILE DRIVING A COMMERCIAL MOTOR VEHICLE**,  
26 the court may require the violator to attend defensive driving school as an  
27 element of sentence, but may not dismiss the conviction or finding of  
28 responsibility and shall report the conviction or finding of responsibility  
29 to the department as prescribed in section 28-1559. A commercial driver  
30 license holder is not eligible for the defensive driving diversion program **IF**  
31 **THE HOLDER IS CITED FOR A MOVING VIOLATION WHILE DRIVING A COMMERCIAL MOTOR**  
32 **VEHICLE.**